IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13919 of 2002

Between:

A.Saidaiah, S/o. Late Tirupathaiah,
R/o. 1-2-270/57/1/1, Sri Srinagar, New Bus Stand,
Suryapet, Nalgonda District.

..... PETITIONER

AND

1. The Labour Court-III, Rep.by its Presiding Officer,
   4th FLOOR, Chandravihar Building,
   Nampally, Hyderabad.
2. APSRTC, Rep.by its Regional Manager,
   Nalgonda Region, Nalgonda.
3. The Depot Manager, APSRTC,
   Bus Depot, Nalgonda,
   Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to call for the records from the 1st Respondent in respect of I.D.NO.209/99, issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORATI and quash the impugned award dt: 25/1/2002 passed in I.D.NO.209/99, published on 18/4/2002 in not granting any relief as arbitary, unjust and in violation of Art. 14,16,& 21 of the Constitution of India and consequently direct the 2nd and 3rd Respondents to reinstatement the petitioner into service with continuity of service and back wages in the interest of justice and fair play.

Counsel for the Petitioner: MR.V.NARASIMHA GOUD

Counsel for the Respondent No.1: MR.K.HARINATH

Counsel for the Respondent Nos 2 and 3: MR.V.T.M.PRASAD, SC FOR APSRTC

The Court made the following:

O R D E R:

Heard the learned counsel appearing for the petitioner and also the learned standing counsel, Sri V.T.M.Prasad, appearing for the respondent-Corporation.

The petitioner herein, who is a Conductor, seeks writ of Certiorari assailing the impugned award in I.D.No.209 of 1999, dated 25-01-2002.

The facts, in brief, are that the petitioner joined the services of the respondent-Corporation as Conductor on 22-02-1986. However, on certain allegations, he was removed from service as per the orders dated 15-09-1998. Subsequently, the existing remedies available departmentally were availed by the petitioner and also raised a dispute before the Industrial Tribunal under Section 2A (2) of the Industrial Disputes Act, which was taken up as I.D.No.209 of 1999. The Tribunal, after considering the material available on record, dismissed the I.D, upholding the orders of removal passed by the respondent-Corporation.

The learned counsel appearing for the petitioner submits that without going into the merits of the case, the first respondent by placing reliance on a decision of this Court reported in ***DEPOT MANAGER, APSRTC VS. PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-III, HYDERABAD,*** rejected the said industrial dispute filed by the petitioner, though the petitioner submitted several other decisions in support of his case. Further, it is

pointed out that the said decision of the learned Single Judge of this Court was subsequently reversed by a Division Bench of this Court in W.A.No.1145 of 2000, as per orders dated 02-11-2000. In view of the same, the entire basis on which the award came to be passed no longer *res integra* and, hence, requires reconsideration on merits afresh.

Having heard the learned counsel for both sides and also on perusal of the material on record, there is no dispute to the fact that the dispute raised by the petitioner before the Tribunal was squarely covered by the decision of the learned single Judge of this Court as reported in ***2001 (88) FLR 93,*** which was subsequently set aside by the Division Bench of this Court in W.A.No.1145 of 2000. In view of the same, it is necessary that the matter requires to be reconsidered afresh on the principles as applicable to the facts of the case *vis-à-vis* the merits.

In the circumstances, the writ petition is accordingly allowed. The impugned award is set aside and the matter is remanded to the first respondent for fresh consideration on merits after giving notice and opportunity to both the parties. The first respondent shall dispose of the same within a period of three months from the date of receipt of a copy of this order.

Lrkm. 31-12-2004

That Rule Nisi is made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the Thirty first day of December Two thousand and Four.

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ASSISTANT REGISTRAR

To

1. The Presiding Officer, Labour Court-III, ,
   4th Floor, Chandravihar Building,
   Nampally, Hyderabad.
2. The Regional Manager, APSRTC,
   Nalgonda Region, Nalgonda.
3. The Depot Manager, APSRTC,
   Bus Depot, Nalgonda,
   Nalgonda District.

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